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NOTICE AND SUMMARY OF *EX PARTE* PRESENTATION

February 17, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Re: Level 3 Communications LLC Petition for Forbearance Under 47 U.S.C. §160(c) from Enforcement of 47 U.S.C. §251(g), Rule 51.701(b)(1), and Rule 69.5(b), WC Docket No. 03-266

Dear Ms. Dortch:

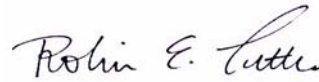
On February 16, 2005, James Olson, Jeff Lanning, and I, on behalf of the United States Telecom Association (USTA), along with four representatives from USTA member companies, met with John Stanley, Acting Legal Advisor to Commissioner Kathleen Abernathy, regarding the above-referenced matter. The representatives from USTA member companies were Kevin Albaugh with North Pittsburgh Telephone, Rob Binder with Citizens/Frontier Telephone, Mark Feest with CC Communications, and Aubrey Judy, III with CT Communications Inc.

The purpose of this meeting was to urge the Commission to deny Level 3's Petition. The participants discussed: (1) the practical difficulty of identifying traffic from Internet Protocol providers, which makes implementation of Level 3's proposal costly and time consuming, and will encourage further gaming of the intercarrier compensation system; (2) the practical reasons the so-called rural carve-out in Level 3's petition would not work so rural ILECs would be unable to collect access charges given the effects of current local interconnection and transit service arrangements between rural ILECs and neighboring large ILECs; (3) the asymmetrical treatment under Level 3's petition of calls originating on the PSTN and terminating on VoIP networks, which will still generate terminating access charges, compared with the proposed treatment of calls originating on VoIP networks and terminating on the PSTN, which would not generate terminating access charges; (4) the ways in which Level 3's petition is a misuse of the forbearance process because it actually seeks imposition of one price (reciprocal compensation) for another price (access charges), which is a regulatory change not a forbearance from regulation, and because it requires substantial additional rulemaking; and (5) how Level 3's proposal would negatively impact broadband deployment, particularly in rural areas.

In accordance with Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Robin E. Tuttle". The signature is written in a cursive style with a large, looping initial "R".

Robin E. Tuttle
Associate Counsel

cc: John Stanley